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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/070,106	02/27/2002	Tomihisa Kamada	Y-201	9582
802	7590	01/26/2006	EXAMINER	
DELLETT & WALTERS P. O. BOX 82788 PORTLAND, OR 97282-0788			HASHEM, LISA	
			ART UNIT	PAPER NUMBER
			2645	

DATE MAILED: 01/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/070,106

Applicant(s)

KAMADA, TOMIHISA

Examiner

Lisa Hashem

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

## **FINAL DETAILED ACTION**

### ***Claim Objections***

1. Claim 9 recites the limitation "the application program". There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-15 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by U.S. Patent No. 6,134,593 by Alexander et al, hereinafter Alexander.

Regarding claim 1, Alexander discloses a method for providing a storage area or module (col. 3, lines 36-67) in a storage server (Fig. 1, 150) for a portable data terminal (Fig. 1, 110) connected over a network (e.g. Internet) (see Abstract; col. 3, lines 14-35), said method comprising the steps of:

allocating a dedicated storage area or module (Fig. 2, 210b) for each user;

storing software, which is purchase-requested at a software sales site on the network by a user (e.g. located on storage server; Fig. 1, 150; col. 2, lines 58-62; col. 7, lines 14-16), into a dedicated storage area allocated uniquely to the user of the storage server (e.g. a particular module (Fig. 2, 210b) can be executed by the user after processing of payment and providing a unique password for the module; col. 4, line 65 – col. 5, line 30; col. 7, lines 25-31; col. 8, lines

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39-47; col. 9, lines 11-18) without sending the software from the sales site directly to a portable data terminal of the user (col. 3, line 36 – col. 4, line 49); and making available the software, stored in the dedicated storage area in said storage server, to the user in response to a request from the user (col. 4, line 50 – col. 5, line 13).

Regarding claim 2, the method for providing a storage area according to claim 1, wherein Alexander further discloses an expiration date (e.g. delineated time; 30 days) until which the user is allowed to use the software stored in said storage server is set, further comprising the step of making the software, which is in the dedicated storage area, unavailable to the user after the expiration date (col. 3, lines 40-67).

Regarding claim 3, the method for providing a storage area according to claim 1, wherein Alexander further discloses further comprising the step of charging the user for the purchase-requested software when the purchase-request is made, when the user downloads the software from the dedicated storage area, or when the user indicates an intention to continue to use after a trial period passes after the downloading (col. 3, lines 40-67).

Regarding claim 4, the method for providing a storage area according to claim 1, further comprising the steps of: storing software (e.g. commercial module), which is not purchase-requested by the user, into the dedicated storage area; allowing the user to select the software not purchase-requested; and charging the user for the software when the user downloads the selected software or

when the user indicates an intention to continue to use after a trial period (e.g. 30 days) (col. 3, lines 40-67).

Regarding claim 5, please see the rejection of the method in claim 1 to reject the software sales method in claim 5, wherein Alexander further discloses a software sales method comprising the steps of:

sending the purchase-requested software or identification information associated therewith to a site of a storage server that has a dedicated storage area (Fig. 2, 210b) allocated specifically to the user without sending the purchase-requested software directly to the user (e.g. a particular module (Fig. 2, 210b) can be executed by the user after processing of payment and providing a unique password for the module; col. 4, line 65 – col. 5, line 30; col. 7, lines 25-31; col. 8, lines 39-47; col. 9, lines 11-18),

inherently providing purchasable software in a home page of a sales site (e.g. located on storage server; Fig. 1, 150; col. 2, lines 58-62; col. 7, lines 14-16); and

inherently receiving a purchase-request from a user via the home page (col. 3, lines 14-16; col. 6, lines 22-29; col. 7, lines 32-36).

Regarding claim 6, please see the rejection of the method in claim 3 to reject the software sales method in claim 6.

Regarding claim 7, please see the rejection of the method in claims 1 and 4 to reject the software sales method in claim 7, wherein Alexander further discloses said dedicated storage area being allocated to the user (e.g. a particular module (Fig. 2, 210b) can be executed by the user after processing of payment and providing a unique password for the module; col. 4, line 65

– col. 5, line 30; col. 9, lines 11-18) and not being allocated to another user (e.g. wherein a unique password is setup for the user; col. 7, lines 25-50; col. 8, lines 39-47).

Regarding claim 8, please see the rejection of the method in claim 1 to reject the storage server (Fig. 1, 150) in claim 8, wherein Alexander further discloses a storage unit (Fig. 2) having dedicated storage areas, each uniquely allocated to an individual user of a portable data terminal (e.g. a particular module (Fig. 2, 210b) can be executed by the user after processing of payment and providing a password for the module; col. 4, line 65 – col. 5, line 13; col. 9, lines 11-18); a management table (e.g. table) storing therein management information about the software stored in the dedicated storage area of the user; and means for referencing said management table in response to access from the user and for sending the software, which is stored in the dedicated storage areas of the user, to the portable data terminal of the user (col. 6, line 65 – col. 7, line 31).

Regarding claim 9, the storage server according to claim 8, wherein Alexander further discloses said storage unit further comprises a common storage area (Fig. 2, 200) in which an application program body is stored as the software for common use by a plurality of users (col. 4, lines 22-24) and wherein data (e.g. determining whether a module can be executed) associated with the application program and corresponding to each user is stored separately in the dedicated storage area of the user (col. 4, line 50 – col. 5, line 30).

Regarding claim 10, Alexander discloses a portable data terminal (Fig. 1, 110) with a network connection capability (see Abstract; col. 3, lines 14-35), comprising:

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local storage into which required software is downloaded from full-set software as required, said full-set software being stored in a dedicated storage area allocated on a storage unit on a network (col. 3, lines 14-35; col. 4, lines 50-64); and

a management table in which management information associated with the software stored in the local storage is stored (col. 5, lines 1-13),

wherein the management information includes at least expiration date information on the software (col. 3, lines 44-50),

said portable data terminal further comprising means for automatically erasing the software from said local storage (e.g. invalidate the software; locking the software so it can not be executed) when an expiration date defined by the expiration date information has passed (e.g. a module delineated by time; 30 days) (col. 3, lines 44-67; col. 7, lines 42-57).

Regarding claim 11, the portable data terminal according to claim 10, wherein Alexander further discloses means for allowing the user to rewrite said management table freely inherently is not provided (col. 4, line 65 – col. 5, line 13).

Regarding claim 12, please see the rejection of the portable data terminal in claim 10 to reject the recording medium in claim 12.

Regarding claim 13, please see the rejection of the portable data terminal in claim 10 to reject the computer program in claim 13.

Regarding claim 14, the method for providing a storage area according to claim 1, wherein Alexander further discloses further comprising the steps of:  
accepting a purchase request of software from the user at the software sales site (e.g. located on storage server; Fig. 1, 150); and

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receiving, according to said purchase request, the purchase-requested software or identification information associated therewith at a site of said storage server such that said purchase-requested software or identification information associated therewith is stored into said dedicated storage area allocated to the user (col. 6, line 65 – col. 7, line 31).

Regarding claim 15, the method for providing a storage area according to claim 1, wherein Alexander further discloses said step of storing software into a dedicated storage area allocated uniquely to the user (e.g. a particular module (Fig. 2, 210b) can be executed by the user after processing of payment and providing a unique password for the module; col. 4, line 65 – col. 5, line 30; col. 7, lines 25-31; col. 8, lines 39-47; col. 9, lines 11-18), is performed after the software is purchase-requested at a software sales site (e.g. located on storage server; Fig. 1, 150) on the network (Internet) by the user (col. 4, line 50 – col. 5, line 30; col. 7, lines 25-50; col. 8, lines 39-47; col. 9, lines 11-18).

### *Response to Arguments*

4. Applicant's arguments with respect to claims 1-9, 14, and 15 have been considered but are moot in view of the new ground(s) of rejection.

5. Applicant's arguments with respect to claims 10-13 have been fully considered but they are not persuasive.

6. In regards to Applicant's arguments filed 1-10-2005, Applicant argues that Alexander does not disclose the following:

- 1) portable data terminal (i.e. the user);
- 2) a software sales site;
- 3) a storage server;



- 4) each user has its own user-dedicated storage;
- 5) a software sales site on the network;
- 6) automatically erasing the software when an expiration date has passes;
- 7) allowing the user to rewrite said management table free is not provided; and
- 8) the limitations of newly added claim 15.

Examiner disagrees. Alexander clearly discloses:

- 1) a portable data terminal (Fig. 1, 110) which is a client that is operated by a user (col. 3, lines 1-5; col. 4, lines 50-64);
- 2) a software sales site accessed via the network (Internet) (e.g. this is located on the server (Fig. 1, 150) and a user of the portable data terminal selects an application for execution (e.g. module; Fig. 2, 210b) which can only be executed if payment is processed and a correct, unique password is entered) (col. 4, lines 50-64; col. 7, lines 25-36);
- 3) a storage server (Fig. 1, 150);
- 4) a dedicated storage area (e.g. module; Fig. 2, 210b) is allocated (e.g. set apart for) uniquely to the user of the storage server (e.g. a particular module (Fig. 2, 210b) can be executed by the user after processing of payment and providing a unique password for the module; col. 4, line 65 – col. 5, line 30; col. 7, lines 25-31; col. 8, lines 39-47; col. 9, lines 11-18); wherein the claims do not disclose ‘...each user has its own user-dedicated storage...’, this limitation is not stated in the claims, rather the claims state ‘...a dedicated storage area is allocated uniquely to the user of the storage server...’;
- 5) a software sales site is located on the server (e.g. providing payment processing) and is accessed via the Internet (col. 2, lines 58-62; col. 7, lines 14-16);

6) the software is automatically erased (e.g. invalidate the software; automatically locked and not executable) when an expiration date passes (e.g. delineated time; 30 days) (col. 3, lines 44-67; col. 7, lines 42-57);

7) the user can not rewrite said management table since the database maintains the management table (col. 6, line 65 – col. 7, line 14); and

8) storing software into a dedicated storage area allocated uniquely to the user (e.g. a particular module (Fig. 2, 210b) can be executed by the user after processing of payment and providing a unique password for the module; col. 4, line 65 – col. 5, line 30; col. 7, lines 25-31; col. 8, lines 39-47; col. 9, lines 11-18), is performed after the software is purchase-requested at a software sales site on the network (Internet) by the user (col. 4, line 50 – col. 5, line 30; col. 7, lines 25-50; col. 8, lines 39-47; col. 9, lines 11-18).

In conclusion, Alexander clearly discloses the claimed invention. Please see all rejections above.

7. Accordingly, **THIS ACTION IS MADE FINAL.**

#### *Conclusion*

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

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CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- U.S. Patent No. 6,941,270 by Hannula discloses a method for providing an application program stored in a storage area of a mobile terminal (Fig. 3, 14) for a portable data terminal (Fig. 3, 12) connected over an infrared connection (Fig. 3, 26), wherein payment is required to use the application program

10. Any response to this action should be mailed to:

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Or faxed to:**

(703) 872-9306 (for formal communications intended for entry)

**Or call:**

(571) 272-2600 (for customer service assistance)

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lisa Hashem whose telephone number is (571) 272-7542. The examiner can normally be reached on M-F 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. Any inquiry of a general nature or

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relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2600.

12. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LH

lh  
January 22, 2006



FAN TSANG  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600